



January 31, 2003

---

## SENATE BILL No. 180

---

DIGEST OF SB 180 (Updated January 29, 2003 3:16 PM - DI 104)

**Citations Affected:** IC 16-18; IC 16-39; IC 36-2.

**Synopsis:** Access to autopsy information. Permits a physician or coroner to use a photograph, a video recording, or an audio recording of an autopsy to consult with a forensic scientist or pathologist. Describes identifying information that must be masked or removed from an autopsy photograph, video recording, or audio recording before it may be used for training or educational purposes. Requires a physician and coroner or coroner's designee to warn each person to whom the information is released that the information is confidential and may not be used for a purpose other than the purpose for which it was originally released. Makes it a Class A misdemeanor for a person who is granted access to autopsy information for training, education, or professional consultation to use it for a purpose other than the purpose for which it was originally released. Makes a technical correction.

**Effective:** July 1, 2003.

---

---

### Dillon

---

---

January 7, 2003, read first time and referred to Committee on Health and Provider Services.  
January 30, 2003, amended, reported favorably — Do Pass.

---

---

SB 180—LS 6915/DI 105+



C  
o  
p  
y

January 31, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 180

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-353.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2003]: **Sec. 353.5. "Training or educational**  
4 **purposes", for purposes of IC 16-39-7.1, has the meaning set forth**  
5 **in IC 16-39-7.1-1.5.**

6 SECTION 2. IC 16-39-7.1-1.5, IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2003]: **Sec. 1.5. As used in this chapter,**  
9 **"training or educational purposes" means for the purpose of:**

10 (1) teaching or giving lectures to:  
11 (A) medical students;  
12 (B) physicians;  
13 (C) coroners;  
14 (D) law enforcement personnel;  
15 (E) public safety personnel;  
16 (F) attorneys; or  
17 (G) an individual who relies upon information or records

SB 180—LS 6915/DI 105+



- regulated under this chapter in the course of the individual's profession or occupation;
- (2) publication in professional medical:
- (A) books; or
- (B) periodicals; or
- (3) use in:
- (A) training videos; or
- (B) computer programs.

SECTION 3. IC 16-39-7.1-3, AS ADDED BY P.L.271-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A surviving spouse may:

- (1) view and copy a photograph or video recording; and
- (2) listen to and copy an audio recording;

of the deceased spouse's autopsy. If there is no surviving spouse, the surviving parents shall have access to the records under this subsection. If there is no surviving spouse or parent, an adult child shall have access to the records.

(b) Upon making a written request, a unit (as defined in IC 36-1-2-23), the state, an agency of the state, the federal government, or an agency of the federal government, while in performance of their official duty, may:

- (1) view and copy a photograph or video recording; and
- (2) listen to and copy an audio recording;

of an autopsy. Unless otherwise required in the performance of their duties, the identity of the deceased must remain confidential.

(c) The physician having custody of a photograph, a video recording, or an audio recording of an autopsy may **use or** allow the use of the photograph, video recording, or audio recording of the autopsy for **case consultation with a pathologist or forensic scientist. The physician having custody of a photograph, a video recording, or an audio recording of an autopsy may also use or allow the use of the photograph, video recording, or audio recording of the autopsy for** training or educational purposes if all information that identifies the individual on whom the autopsy was performed is **masked or** removed from the photograph, video recording, or audio recording. **For purposes of this subsection, information that identifies an individual consists of:**

- (1) the name;
- (2) the address;
- (3) the Social Security number;
- (4) a full view of the face; or
- (5) identifying marks on the body that are unrelated to the



C  
o  
p  
y

educational purpose of the information or to the medical condition or the medical status; of the deceased individual. A physician who allows the use of autopsy information under this subsection has a duty to disclose to each person to whom the physician releases it that the information is confidential and may not be used for a purpose other than the purpose for which it was originally released.

(d) Except as provided in subsection (c), the physician having custody of a photograph, a video recording, or an audio recording of an autopsy may not permit a person to:

- (1) view and copy a photograph or video recording; and
- (2) listen to and copy an audio recording;

of an autopsy without a court order.

**(e) Information disclosed under subsection (c) is confidential.**

SECTION 4. IC 16-39-7.1-6, AS ADDED BY P.L.271-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) A provider who:

- (1) is the custodian of a photograph, a video recording, or an audio recording of an autopsy; and
- (2) knowingly or intentionally violates this ~~section~~; **chapter**;

commits a ~~Class D felony~~; **Class A misdemeanor**.

(b) A person who knowingly or intentionally violates a court order issued under this ~~section~~ **chapter** commits a ~~Class D felony~~; **Class A misdemeanor**.

**(c) A person who:**

- (1) receives autopsy information under section 3(c) of this chapter; and
- (2) knowingly or intentionally uses the information in a manner other than the specified purpose for which it was released;

commits a **Class A misdemeanor**.

SECTION 5. IC 36-2-14-10, AS AMENDED BY P.L.271-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) After viewing the body, hearing the evidence, and making all necessary inquiries, the coroner shall draw up and sign his verdict on the death under consideration. The coroner shall also make a written report giving an accurate description of the deceased person, his name if it can be determined, and the amount of money and other property found with the body. The verdict and the written report are subject to inspection and copying under IC 5-14-3-3.

(b) Except as provided in subsections (c), (d), and (e), a photograph, video recording, or audio recording of an autopsy in the custody of a

C  
o  
p  
y



1 medical examiner is declared confidential for purposes of  
2 IC 5-14-3-4(a)(1).

3 (c) A surviving spouse may:

4 (1) view and copy a photograph or video recording; and

5 (2) listen to and copy an audio recording;

6 of the deceased spouse's autopsy. If there is no surviving spouse, the  
7 surviving parents shall have access to the records under this section. If  
8 there is no surviving spouse or parent, an adult child shall have access  
9 to the records.

10 (d) Upon making a written request, a unit (as defined in  
11 IC 36-1-2-23), the state, an agency of the state, the federal government,  
12 or an agency of the federal government, while in performance of their  
13 official duty, may:

14 (1) view and copy a photograph or video recording; and

15 (2) listen to and copy an audio recording;

16 of an autopsy. Unless otherwise required in the performance of ~~their~~  
17 **official** duties, the identity of the deceased must remain confidential.

18 (e) The coroner or the coroner's designee having custody of a  
19 photograph, a video recording, or an audio recording of an autopsy may  
20 **use or** allow the use of the photograph, video recording, or audio  
21 recording of the autopsy for **case consultation with a pathologist or**  
22 **forensic scientist. The coroner or the coroner's designee having**  
23 **custody of a photograph, a video recording, or an audio recording**  
24 **of an autopsy may also use or allow the use of the photograph,**  
25 **video recording, or audio recording** for training or educational  
26 purposes **(as defined in IC 16-39-7.1-1.5)** if all information that  
27 identifies the individual on whom the autopsy was performed is  
28 **masked or** removed from the photograph, video recording, or audio  
29 recording. **For purposes of this subsection, information that**  
30 **identifies an individual consists of:**

31 (1) the name;

32 (2) the address;

33 (3) the Social Security number;

34 (4) a full view of the face; or

35 (5) identifying marks on the body that are unrelated to the  
36 medical condition or medical status;

37 of the deceased individual. A coroner or coroner's designee who  
38 allows the use of autopsy information under this subsection has a  
39 duty to disclose to each person to whom the coroner or coroner's  
40 designee releases it that the information is confidential and may  
41 not be used for a purpose other than the purpose for which it was  
42 originally released. Information disclosed under this subsection is

C  
o  
p  
y



**confidential.**

(f) **Except as provided in subsection (e)**, the coroner or the coroner's designee having custody of a photograph, a video, or an audio recording of an autopsy may not permit a person to:

- (1) view or copy the photograph or video recording; and
  - (2) listen to or copy the audio recording;
- of an autopsy without a court order.

(g) A court, upon a showing of good cause, may issue an order authorizing a person to:

- (1) view or copy a photograph or video recording; and
  - (2) listen to or copy an audio recording;
- of an autopsy, and may prescribe any restrictions or stipulations that the court considers appropriate.

(h) In determining good cause under subsection (g), the court shall consider:

- (1) whether the disclosure is necessary for the public evaluation of governmental performance;
- (2) the seriousness of the intrusion into the family's right to privacy;
- (3) whether the disclosure of the photograph, video recording, or audio recording is by the least intrusive means available; and
- (4) the availability of similar information in other public records, regardless of form.

(i) In all cases, the viewing, copying, listening to, or other handling of a photograph, video recording, or audio recording of an autopsy must be under the direct supervision of the coroner, or the coroner's designee, who is the custodian of the record.

(j) A surviving spouse shall be given:

- (1) reasonable notice of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording;
- (2) a copy of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording; and
- (3) reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(k) If there is no surviving spouse, the notice under subsection (j) must be given to the deceased's parents, and if the deceased has no living parent, the notice must be given to the adult children of the deceased.

(l) A coroner or coroner's designee who:

- (1) is the custodian of a photograph, a video recording, or an

C  
o  
p  
y



1 audio recording of an autopsy; and  
2 (2) knowingly or intentionally violates this section;  
3 commits a Class D felony.  
4 (m) A person who knowingly or intentionally violates a court order  
5 issued under this section commits a Class D felony.  
6 **(n) A person who:**  
7 **(1) receives autopsy information under subsection (e); and**  
8 **(2) knowingly or intentionally uses the information in a**  
9 **manner other than the specified purpose for which it was**  
10 **released;**  
11 **commits a Class D felony.**

C  
o  
p  
y



## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 180, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, after "(C)" insert "**coroners; (D)**".

Page 1, line 14, delete "(D)" and insert "(E)".

Page 1, line 14, delete "or".

Page 1, line 15, delete "(E)" and insert "(F)".

Page 1, line 15, after "attorneys;" insert "**or**

**(G) an individual who relies upon information or records regulated under this chapter in the course of the individual's profession or occupation;**".

Page 2, line 25, after "consultation with a" delete "forensic".

Page 2, line 38, after "to the" insert "**educational purpose of the information or to the**".

Page 2, line 39, after "or" insert "**the**".

Page 2, line 42, after "information" insert "**is confidential and**".

Page 3, between lines 8 and 9, begin a new paragraph and insert: "**(e) Information disclosed under subsection (c) is confidential.**".

Page 3, line 15, strike "Class D felony." and insert "**Class A misdemeanor.**".

Page 3, line 17, strike "Class D felony." and insert "**Class A misdemeanor.**".

Page 3, line 24, delete "Class D felony." and insert "**Class A misdemeanor.**".

Page 4, line 14, delete "forensic".

Page 4, line 33, after "information" insert "**is confidential and**".

Page 4, line 35, after "released." insert "**Information disclosed under this subsection is confidential.**".

and when so amended that said bill do pass.

(Reference is to SB 180 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

SB 180—LS 6915/DI 105+



C  
O  
P  
Y